

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FILED

97 OCT 29 PM 1:09
U.S. DISTRICT COURT
N.D. OF ALABAMA

DONALD BARBER,

Plaintiff,

vs

CIVIL ACTION NO. 96-N-3333-S

JAMES R. WEST, BEN JENKINS,
JEFFERSON COUNTY SHERIFF
DEPARTMENT,

Defendants.

ENTERED
OCT 29 1997

MEMORANDUM OF OPINION

The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby adopts and approves the recommendation of the Magistrate Judge as the findings and conclusions of the court. In accord with the recommendation, the motion to dismiss the Jefferson County Sheriff's Department as a defendant is due to be granted, the motion for summary judgment filed by West and Jenkins is due to be granted, and this complaint is due to be dismissed. An appropriate order will be entered.

DONE, this 29th day of October, 1997.



EDWIN L. NELSON,
UNITED STATES DISTRICT JUDGE

12